

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

STELLA MORRISON

§

§

VS.

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CASE No. 1:13-cv-00327

LAYNE WALKER, THE COUNTY OF
JEFFERSON, TEXAS AND THE STATE
OF TEXAS

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**PLAINTIFF'S UNOPPOSED MOTION TO APPROVE CASH DEPOSIT IN LIEU OF A
SUPERSEDEAS BOND PURSUANT TO FED. R. CIV. P. 62(D), AND CERTIFICATE OF
CONFERENCE**

Stella Morrison, Plaintiff, files this Unopposed Motion to Approve Cash Deposit in Lieu of a Supersedeas Bond Pursuant to Fed. R. Civ. P. 62(d), and Certificate of Conference, and would respectfully show the Court the following:

1. Morrison intends to appeal the Order Granting in Part Motion for Attorneys' Fees signed by this Court on August 22, 2018. This Order is subject to an automatic stay from enforcement for fourteen (14) days, which is until September 5, 2018. Morrison requests a stay for this appeal, and shall timely file a cash deposit in lieu of bond in an amount that complies with Local Rule CV-62, entitled "Stay of Proceedings to Enforce a Judgment." The cash deposit includes the amount ordered by the Court as attorneys'

fees (\$29,592.50), plus 20%, and \$250.00 to cover costs, for a total of \$35,716.00. This deposit, if approved by this Court, will supersede enforcement of this Court's judgment pending the appeal. This deposit is for the sole benefit of Plaintiff Layne Walker if the appeal is unsuccessful.

2. Included is a Court Order providing instructions for the Federal District Clerk to accept a certified funds check in the amount of \$35,761.00 as a cash deposit in lieu of bond, in order to supersede this Court's Order and to stay enforcement pending appeal of the Court's Order Granting in part Motions for Attorneys' Fees. This Order states Morrison must deposit these funds on or before September 5, 2018, by 5:00 p.m.

3. The attorneys for Walker do not oppose this Motion.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court grant Plaintiff's Motion to Approve Cash Deposit in Lieu of a Supersedeas Bond Pursuant to Fed. R. Civ. P. 62(d), and Certificate of Conference, and for such other and further relief, at law or in equity, to which she may be justly entitled.

Respectfully submitted,

/s/ John S. Morgan
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CERTIFICATE OF CONFERENCE

Plaintiff's counsel has contacted counsel for Defendant, Mr. Mark Sparks, via email, who is not opposed to the relief sought in this Motion.

/s/ John S. Morgan
JOHN S. MORGAN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been furnished to all counsel of record, via electronic filing on this 30th day of August, 2018.

s/ John S. Morgan
JOHN S. MORGAN